

Needs and Performance of Local Alcohol Countermeasure Programs in Pennsylvania

PATRICIA A. McCABE, MAUREEN C. GRIFFIN, and JOHN N. BALOG

ABSTRACT

Interest in deterring the drunk driver has recently grown substantially in the United States. The Pennsylvania Department of Transportation, in anticipation of an increased role in deterrence of driving while intoxicated (DWI) following passage of new state legislation, recently commissioned a study to (a) gather background information on existing local DWI programs, (b) determine what public information and education (PI&E) activities were already occurring at the substate government level, and (c) recommend methods by which the state could best support the efforts of local programs. The findings of that study are reported here. The main conclusions are as follows: (a) weak interagency linkages with police and local magistrates hampered program operations; (b) PI&E activities were already taking place at the local level, although their scope was limited by the lack of relevant training and experience among the program coordinators and the lack of work time available for PI&E; (c) there was need for a state-level staff member to act as a liaison between state agencies and local programs; and (d) networking among the independent local programs needed to be strengthened.

Recently there has been increased awareness among both government agencies and the general public of the problem of driving while intoxicated (DWI) or driving under the influence of alcohol (DUI). Public attitudes toward the problem appear to be changing from tacit acceptance of DWI as a minor problem to a more disapproving stance in which a majority of Americans now support mandatory jail sentences for persons convicted of DWI, even if they are first-time offenders. (Note that these data are from a poll of a sample of 1,580 adults conducted March 12-15, 1982, by the Gallup Organization.) Actions by state legislatures have reflected this change in public attitudes. Between January and September of 1982, 27 state legislatures toughened their drunk driving laws.

One state that recently effected such a change is Pennsylvania. In 1982 a new law was adopted that toughened sanctions for DWI and made a variety of changes in adjudication and referral procedures for DWI cases. The Pennsylvania Department of Transportation (PennDOT), in anticipation that the agency would have an increased role in the state DWI countermeasure effort, commissioned a study of existing local DWI countermeasure programs in the state. That study is the subject of this paper. The objectives of the study were to (a) gather basic information about the local programs, (b) ascertain what capabilities and interest existed at the local level to perform public information and education (PI&E) activities regarding DWI, and (c) clarify what, if any, support the programs needed from the state to improve their effectiveness.

At the time that the Pennsylvania State Legislature was considering the new DWI law, local programs played the major role in alcohol countermeasure efforts in the state. These programs existed at the county or judicial district level at the discretion of each district's President Judge of the Court of Common Pleas. There were 45 programs in the state, serving 60 of Pennsylvania's 67 counties.

Because of the important interrelationship between the local DWI programs and the local judiciary in Pennsylvania, it is necessary to briefly describe the latter. District justices (magistrates) can rule on summary cases and, in some districts, on lesser misdemeanor offenses. There can be several magistrates in each county. Guilt or innocence on more serious misdemeanors and in felony cases must be decided in the Court of Common Pleas. The President Judge is the administrative head of the Court of Common Pleas. He decides on procedures for all courts in his judicial district, including district courts. Each judicial district encompasses at least one and sometimes several counties.

PennDOT had played an important role in the development of the local programs. During a 10-year period PennDOT representatives visited all the counties in the state in an attempt to persuade the counties to set up countermeasure programs; it offered seed monies to support the programs until they could become self-supporting. Once the seed grants expired, state agencies played a much reduced role. The programs received some technical assistance from the Department of Health (primarily for the certification of instructors for the Safe Driving School) and some financial assistance from PennDOT (for the purchase of breathalyzers). However, their operating expenses were covered by the fees the programs collected for their services, and not from state funds. For the most part they operated as independent county-run programs that interacted little with state agencies or with each other.

Because the programs did not report to the state, state agencies lacked current basic information about the local programs, such as the number of staff persons in each program and their backgrounds, the size of the annual operating budget of each program, or its organizational structure. Several state agencies, particularly PennDOT, anticipated a need for such information, because it expected that the Governor's Task Force would recommend an increased role for its departments in the DWI countermeasures effort. PennDOT saw in the local programs a ready-made network for expanding and standardizing the alcohol countermeasures effort throughout the state. As a result PennDOT commissioned this study to gather background information about the programs, to discover whether capabilities and interest existed at the local level to perform PI&E activities regarding DWI, and to identify the most useful role for the state in programs regarding DWI.

METHODOLOGY

The study consisted of in-depth personal interviews with the person designated as the DWI coordinator

for each local program. The coordinator functioned as the contact point for all agencies in his catchment area that contributed to the anti-DWI effort and dealt with the DWI offender. These agencies included the Court of Common Pleas, the district or municipal justices, the police, the county prosecutor's office, probation officers, and alcohol treatment and prevention services. Figure 1 shows the interrelationships of agencies and the DWI coordinators.

The coordinators direct programs that, at a minimum, perform evaluations of the seriousness of the offenders' alcohol problems (such as the Mortimer-Filkens) and operate the Alcohol Safe Driving School. The coordinators either perform these functions themselves or contract for these services.

During the study the coordinators were visited and interviewed regarding the organization of their programs, responsibilities of the various actors, strength or weakness of interagency linkages, and any recent efforts to involve the public in anti-DWI efforts. If the coordinator deemed another program staff member to be a more appropriate source of information regarding a particular subject area, then that person was also interviewed. Total interview length was approximately 1.5 hr for each program.

FINDINGS

Background Information

As previously mentioned, the DWI countermeasure programs existed within judicial districts at the discretion of the President Judge of the Court of Common Pleas. The programs were locally designed to fit local needs. There were no statewide requirements for the programs other than certification requirements for teachers in the Alcohol Safe Driving Schools. Each program was unique.

The data in the following table give the agency affiliation of the person performing the coordinator function in the 44 local DWI programs that were visited by Retron Inc.:

Agency Type	No. of Programs
Drug and alcohol administration	18
Probation	14
Drug and alcohol treatment only	9
Other	3
Total	44

Most frequently, the coordinator was a staff member of the agency charged with administering drug and alcohol programs in the local area. Such an agency may or may not also deliver treatment for drug and alcohol problems. The second most frequent agency location was the county probation department. The remaining agencies either provided alcohol treatment or performed some other function, such as domestic relations or health and welfare. The program tended to be housed in a particular agency because the coordinator, who had in most cases been the person most interested in setting up a program after the visit of PennDOT's recruiting team, was located in that agency. The agency location was rarely chosen for philosophical reasons.

The data in the following table give the percentage of time allotted to the coordinator function in the 44 programs visited:

Percentage of Time Spent on Coordinator Function	No. of Programs
After hours; not part of regular job	6
Less than one-quarter time	13
One-quarter to one-half time	8
More than one-half time	17
Total	44

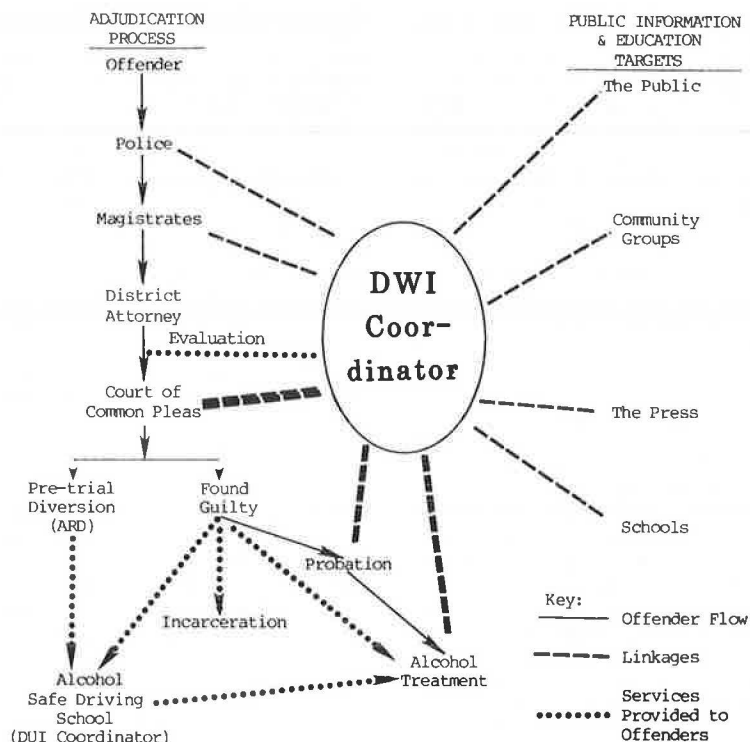


FIGURE 1 Interrelationships among agencies in the local DWI countermeasures program.

The data indicate that most often (61 percent of programs) the coordinator performed that function less than half of his working hours. The rest of the time the coordinator functioned in another capacity, such as probation officer or drug and alcohol counselor.

Interagency Linkages

Regardless of their locations, the coordinators needed to establish strong linkages with a number of agencies. The study findings indicated that coordinators had varying degrees of success in building these linkages. The two agencies with whom they most frequently reported problems were the police and the district justices or magistrates.

One of the most important aspects of a DWI countermeasures network is the intensity with which anti-DWI statutes are enforced. If no arrests are made, drivers with drinking problems are not identified and the treatment and referral aspects of the countermeasures network cannot move into action.

Each county program interacted with a number of local police departments and experienced varying levels of police support for the program and its goals. A DWI arrest is a time-consuming and bothersome process for police. They must regard DWI as an important problem before they are willing to arrest drivers for other than the most unavoidable reasons, such as accident involvement. A good indicator of the importance placed on deterring drunk drivers is the average blood alcohol content (BAC) at the time of arrest. The coordinators were of the opinion that high average BAC levels indicated that police rarely arrested drivers for DWI unless the drivers were very drunk or had been involved in an accident.

In Pennsylvania the BAC that defines a driver as legally intoxicated is 0.10. The average BAC levels at the time of arrest in all counties for which statistics were available are given in the following table:

<u>BAC Level</u>	<u>No. of Counties</u>
< 0.16	8
0.16-0.20	29
> 0.20	3
No information	12
Total	52

In 32 out of 40 counties the average was greater than 0.16. Overall, the willingness of police to make a DWI arrest was one of the weakest links in the countermeasures effort.

Support from the district justices (magistrates) was another problem area identified by the coordinators. These officials are the DWI offender's first contact with the judiciary after an arrest. Magistrates hold the preliminary hearing and decide if there is sufficient evidence to bind the offender over for trial in the Court of Common Pleas. In some counties the magistrates could decide guilt or innocence in DWI cases.

This link was perceived as weak because magistrates had the power to reduce charges from DWI to reckless driving or public drunkenness, and did so frequently. Such a charge reduction allowed the offender to keep his license and circumvent the DWI program. The offender would not be evaluated for alcohol problems and would not attend the Safe Driving School. Most important, the offender's driving record after the arrest would not indicate an alcohol-related driving offense.

The coordinators' perceptions of the levels of support from magistrates are given in the following table:

<u>Frequency of Charge Reduction</u>	<u>No. of Counties</u>
Almost never	18
Sometimes (for low BAC or under 21)	20
In most cases, except if arrested after serious accident	12
Total	50

In 32 counties, or 64 percent of the counties with DWI programs, coordinators experienced some, or significant, problems with support from district justices. In some counties magistrates sometimes reduced charges, particularly if the BAC level at the time of arrest was less than 0.15 or if the offender was under 21 years of age. (In the remaining cases the offender was generally bound over on a charge of drunk driving.) In other counties (24 percent) it was the usual practice of the magistrates to reduce charges, except in cases in which the arrest had been precipitated by a serious accident.

No such problems existed with the Court of Common Pleas. As mentioned previously, there was no legal requirement that a program be in place. Its existence depended on the support of the President Judge. If there was no support, there was no program. All coordinators reported at least moderate support from the Court of Common Pleas.

However, coordinators did report that their programs often were not used by the courts as well as they could be. One function of the programs was to evaluate the seriousness of the offender's alcohol problem. Ideally, this evaluation should be performed before sentencing and should be used to decide whether the offender will be required to attend an alcohol treatment program. The data in the following table describe whether the evaluation was used in this fashion:

<u>Use of Evaluation</u>	<u>No. of Programs</u>
Evaluation used as basis of sentencing	20
Evaluation not used	
Consistent sentencing	18
Inconsistent sentencing	6
Total	44

In 20 programs the evaluation was used to decide the appropriate sentence. In the other 24 programs the evaluation was not used for sentencing, but the sentences handed down by the court were consistent and predictable. That is, first offenders almost always received a particular sentence, whereas repeat offenders almost always received a different and harsher one. In a few programs, however, judges did not base sentences on the evaluation, and, in addition, sentences were inconsistent and unpredictable. Coordinators reported that such erratic sentencing practices negatively affected their interactions with police, who were frustrated by an offender's receipt of a "slap on the wrist."

Many coordinators considered support from probation departments after sentencing to be essential to a successful program, and most (37 counties, or 73 percent) reported they had enjoyed such support. (Note that in 14 programs serving 16 counties the coordinator was a probation officer.) Offenders who did not comply with the requirements of their sentences (i.e., did not attend the Safe Driving School or the required alcohol treatment sessions) were immediately contacted by their probation officers and threatened with being taken back to court and imprisoned unless they complied. Fourteen counties (12 programs) did not receive such support.

Data on the last interagency linkage to be ex-

amined, the interface between the DWI program and drug and alcohol treatment agencies, are given in the following table:

Interface	No. of Programs
Treatment required by court order	19
Treatment recommended by coordinator but not required by court order	21
Limited or no recommendation for further treatment	4
Total	44

In most cases this link was strong. Nineteen programs had judges who required treatment by court order. In an additional 21 programs the coordinator recommended treatment if the evaluation indicated it was necessary, even though treatment was not ordered by the court. The remaining four programs experienced problems with this linkage. These coordinators, all of whom were probation officers, reported strong philosophical differences from treatment staff. They perceived the treatment staff as not tough enough with DWI offenders.

In summary, the DWI coordinators reported weak interagency linkages with two agencies in particular--the police and the magistrates or district justices. Many police departments arrested only blatantly drunk drivers and considered DWI a low-priority offense. The magistrates reduced charges too frequently, thus frustrating those police who did make DWI arrests and circumventing opportunities for early intervention in an alcohol problem.

Public Information and Education

The experience and interest of coordinators in educating and informing the public about DWI was the second area studied. Before the study, PennDOT's perception had been that local programs did little PI&E.

The findings regarding the number of programs performing PI&E and what media the local programs used in the 2 years before this study are given in Table 1. Most programs undertook at least intermittent PI&E work. PI&E consisted generally of responding to information requests from community groups and the press. Only a small number of coordinators made regular and systematic efforts to use various media in educating the public.

If other staff either directly or peripherally involved in the DWI program were counted, the number of programs performing PI&E increased somewhat. Such staff included drug and alcohol administrators and

prevention specialists who had a special interest in the DWI problem.

Three problems were identified that limited the local programs' ability to perform PI&E. First, the coordinators simply lacked the time necessary to plan and conduct a PI&E campaign. Second, programs had little or no funding available for PI&E efforts. The limited time allotted to the coordinator function often meant that there was little or no time for PI&E after other essential functions were completed. Finally, most of the coordinators did not have a background that gave them even rudimentary knowledge of PI&E techniques.

A serendipitous finding was that even with these limitations, a number of coordinators had developed innovative approaches for improving relations with the police and the judiciary and for educating the public. Unfortunately, the programs were administratively independent of each other, and the network for communicating these ideas to other coordinators was weak.

Similarly, there were resources at the state level, including expertise, materials, and grant monies, available to the coordinators, but many coordinators were unaware of them. The lack of one person at the state level with clear responsibility for liaison with the local programs made it difficult to identify the appropriate contact person for help in resolving a particular operations problem. There was a staff member available to assist local programs, but many coordinators were unaware of her existence.

State Support Needed

The findings of this study integrated information that staff members of the various state agencies involved in working with the local programs had been gathering in a piecemeal fashion. The study's interim report was the first detailed summary available to state agencies that described all local programs in a standardized fashion. The final report recommended that the state take action in a number of problem areas.

Interagency Linkages

The study identified weak linkages with enforcement agencies as a problem area hampering program effectiveness. It recommended that the state take a role in helping coordinators inform police departments about the DWI problem and about services available through the DWI programs.

In response, the state developed and distributed a "shift-break" training package that coordinators could use to educate their local police. The sessions trained the police to recognize driving behavior, such as wide turns and slow driving, which gave the police probable cause to suspect that the driver was DWI.

During the study period, increased federal funding for enforcement became available. These monies were dispersed to several counties in the form of special enforcement grants to finance increased staffing for DWI enforcement efforts.

The study also noted weak linkages with local magistrates. Recommendation was made that the state provide assistance to the coordinators in educating magistrates about the value of a DWI arrest as an early intervention tool in alcohol problems. The magistrates needed to have a better understanding of what the programs did. To promote improved relations between the DWI programs and the judiciary, the Department of Health instituted a program to certify

TABLE 1 Number of Programs Performing Different Types of DWI PI&E

	Performed by Coordinator		Performed by Other Staff	
	Sporadic	Regular	Sporadic	Regular
Community groups	30	2	11	0
Schools	18	2	19	1
Newspaper				
Initiated by program	22	5	8	2
Initiated by press	30	2	2	1
Radio				
Public service announcements	23	4	9	1
Talk shows	17	3	3	1
Television	12	3	2	0

judicial trainers. These persons would be available to counties on a consulting basis to conduct workshops about DWI programs for the judiciary. The workshops would include background on the program, its philosophy, and its function. It was expected that increased knowledge would improve understanding, support, and referrals from all levels of the judiciary.

Many of the problems with the judiciary were addressed by new legislation that became effective in January 1983. Two major changes were made. First, DWI became a second rather than a third degree misdemeanor. This meant that magistrates could no longer rule on the guilt or innocence of a DWI offender. All DWI cases were to be decided in the Court of Common Pleas. Second, reduction of DWI charges to lesser offenses was expressly forbidden by the statute.

Public Information and Education

The study recommended that a number of different steps be taken to increase the amount of PI&E being done in the state. The state needed to recognize that it was unrealistic to expect each coordinator to develop and operate a PI&E campaign independently. However, the coordinators could be used effectively to support the campaigns organized at the state level. Coordinators uniformly recognized the importance of PI&E, but they often lacked the knowledge and time to conduct programs. If the state prepared materials such as news releases or radio spots, the coordinators could distribute them to local media. This method would most likely get better results than if materials were directly sent from the state. The coordinators could add local favor to these materials and give the campaign a more personal touch through supplementary efforts such as school programs or mall exhibits. This system would have the additional benefit of ensuring that neighboring areas would not be delivering conflicting or competing messages about DWI in their PI&E efforts because the same basic theme would always be used.

The state first tried this distribution system in the publicity campaign about the new DWI law. The state developed television, radio, newspaper, and pamphlet materials that coordinators used and supplemented with local efforts. Interest was so high that more than 500,000 pamphlets were distributed by local programs in less than 2 months.

To help the local coordinators build some basic public relations skills, PennDOT commissioned a contractor to develop an instructional manual and conduct four regional workshops for those interested in learning about PI&E. The workshops offered instruction in choosing objectives, selecting target audiences, obtaining free and low-cost materials, choosing appropriate media, and learning how to tell good PI&E materials from poorly designed or ineffective ones. Those who attended the workshops also were asked to practice designing their own materials. The workshops were held 1 month after the new DWI law went into effect, and the coordinators were interested in methods of informing the public and other agencies about the changes in the law. Therefore, the workshops were extremely well attended; more than twice as many staff attended as had been expected.

The instructional manual that was developed for the workshops took a "cookbook" approach to PI&E. It contained how-to's for speech making, obtaining materials, writing news releases, using broadcast media, interacting with the press, and handling opposition.

The study had found that many coordinators had developed innovative PI&E and linkage-building

activities, but that the network for sharing these ideas with other programs was weak. To begin sharing these techniques, it was recommended that the manual include an ideas catalogue. The catalogue would document the activities so that they would be available to other coordinators with the same problems. The program and name of the coordinator who originated each idea would be included to recognize their contributions. This would also allow persons interested in obtaining further information about any particular activity to contact the person who had already implemented it.

Creating and Strengthening the Countermeasures Network

The study strongly recommended that the state enable the coordinators to meet each other and share ideas. It was also recommended that coordinators be informed about resources (staff and materials) available from the various state departments to assist them in their countermeasure efforts. A number of steps were recommended to encourage the growth of a network among program staff members.

First, an organization already existed for persons working in the DWI field, called the Pennsylvania DUI Association. However, many new coordinators and most prevention and drug and alcohol staff did not know that the Association existed. The Association offered PennDOT a ready-made network through which state and national DWI news could be distributed easily to its practitioners. Therefore, it was suggested that PennDOT support the Association and its activities in every way possible.

PennDOT implemented this suggestion by automating the DWI mailing list and publicizing Association events statewide. Local activities remained the responsibility of the Association's regional staff. PennDOT also began publishing a DWI newsletter that would be mailed to coordinators on a quarterly basis. The newsletter includes Association news and state and national DWI developments, and promotes the ideas exchange begun in the how-to manual.

The study identified a need at the state level for a single individual to act as liaison between the coordinators and state departments. The state implemented this suggestion by creating a position for an alcohol program manager in the Department of Transportation. The individual appointed to the position was himself a former local DWI coordinator, who enjoyed wide respect among those currently in that function. His responsibilities are shown in Figure 2. He is to act as the first point of con-

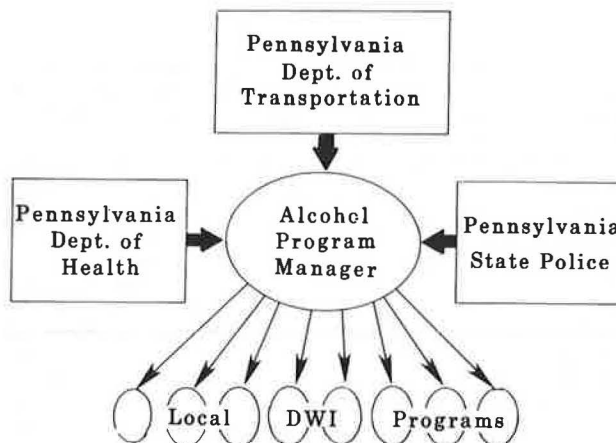


FIGURE 2 Role of Pennsylvania state alcohol program manager.

tact for the coordinators, referring them to the most appropriate source of assistance for whatever problems they encounter. He is also to protect the coordinators' interests at the state level and to make their continuing needs known to relevant state agencies.

SUMMARY

In summary, this study identified a number of problem areas in the current local programs.

1. Weak interagency linkages with police and magistrates, which hampered program operations, were pinpointed.

2. PI&E activities were taking place, although they were limited by the lack of relevant training and experience among the coordinators and the lack of work time during which PI&E could be performed.

3. There was need for a state-level staff member to act as a liaison between state agencies and local programs.

4. Networking among the independent local programs needed to be strengthened.

Publication of this paper sponsored by Committee on Traffic Law Enforcement.

Abridgment

The Drunk Driving Warning System: Status Review

MONROE B. SNYDER

ABSTRACT

An overview and highlights from a review of the status of work on in-vehicle devices that has led to the development and test of the drunk driving warning system are presented.

An overview and highlights from a review of the status of work on in-vehicle devices that has led to the development and test of the drunk driving warning system (DDWS) are presented. The idea of a car that would deter drunk drivers is intriguing. Various approaches have been proposed, and some aspects have been the subject of research studies during the past decade.

BACKGROUND STUDIES

In October 1970, NHTSA issued a prospectus entitled "Some Considerations Related to the Development of an Alcohol Safety Interlock System (ASIS)." Its purpose was to acquaint commercial and academic organizations with the U.S. Department of Transportation's (DOT) interest in ASIS devices to deter or prevent drunk drivers from operating their cars, and to ensure that all possible ASIS techniques would be considered. Twenty-five organizations responded to the prospectus. Their responses were analyzed in conjunction with a general survey of the literature on various kinds of performance degradation induced by alcohol. A number of performance test devices underwent laboratory testing to determine the percentage of "prevented starts" that could be expected at various levels of blood alcohol content (BAC). The results of the studies indicated that none of the devices tested was acceptable for application at

that time. At about the same time, General Motors reached a similar conclusion.

Development of an on-board breath measurement vehicle-control device took place during 1972 and 1973. At the same time, initial evaluation of four additional performance-testing devices took place. The major conclusion of this second-generation program was that three of the instruments offered better performance than the devices tested during the 1972 program. By using the scoring procedures highlighted in the report, false positives were minimized (i.e., there were few cases of a sober person failing). However, although many legally intoxicated persons were detected, a noticeable number were not. A review of the various test devices and systems from the standpoint of circumvention was undertaken about this time.

In 1976 some significant conclusions and decisions were reached.

1. It appeared that breath test devices for vehicle control were too susceptible to circumvention or cheating to be practical. There appeared to be a number of ways that a sample of air, which did not come from the driver at the time of the test, could be delivered to the testing device. A practical way to combat such circumvention or cheating was not identified. Research and development (R&D) on an in-vehicle breath test ASIS was suspended. [Recently, as part of the DOT small business innovation research (SBIR) program, a small feasibility study was initiated regarding the development of a sensing device that, when installed near the driver's seat, would continuously monitor the alcohol content emitted from the driver's breath.]

2. It appeared that an interlock approach presented disadvantages associated with the disabling of a car, particularly when the driver might not be intoxicated. These include prevention of emergency use, danger to other traffic, and public acceptability. R&D on the ASIS (i.e., interlock) concept was